

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SPENCER MEYER, individually and on behalf of  
those similarly situated,

Plaintiffs,

-against-

TRAVIS KALANICK and UBER  
TECHNOLOGIES, INC.

Defendants.

1:15 Civ. 9796 (JSR)

ECF Case

**DECLARATION OF JAMES H. SMITH IN SUPPORT OF  
PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF HIS  
MOTION FOR RELIEF RELATED TO THE ERGO INVESTIGATION**

**CONSTANTINE CANNON LLP**

Matthew L. Cantor  
David A. Scupp  
335 Madison Avenue  
New York, New York 10017

**CAFFERTY CLOBES**

**MERIWETHER & SPRENGEL LLP**

Bryan L. Clobes  
Ellen Meriwether  
1101 Market Street, Suite 2650  
Philadelphia, PA 19107

**ANDREW SCHMIDT LAW PLLC**

Andrew Arthur Schmidt  
97 India Street  
Portland, Maine 04101

**McKool Smith, P.C.**

John Briody  
James H. Smith  
One Bryant Park, 47<sup>th</sup> Floor  
New York, New York 10036

Lewis T. LeClair

300 Crescent Court, Suite 1500  
Dallas, Texas 75201

**HARTER SECREST & EMERY LLP**

Brian Marc Feldman  
Jeffrey A. Wadsworth  
Edwin M. Larkin  
A. Paul Britton  
1600 Bausch & Lomb Place  
Rochester, New York 14604

*Counsel for Plaintiff Spencer Meyer*

James H. Smith, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney at McKool Smith, P.C., representing Plaintiff Spencer Meyer (“Plaintiff”) in the above-captioned case, and I make this declaration in support of Plaintiff’s Memorandum of Law in Support of Motion for Relief Related to the Ergo Investigation.

2. I am over eighteen years of age and have personal knowledge of the matters stated herein.

3. Attached to this declaration as Exhibit A is a true and correct copy of a document produced by Uber Technologies, Inc. (“Uber”) at UBER-PRIV0000001- UBER-PRIV0000021. Uber has designated this document “Confidential” under the Protective Order entered on June 16, 2016 (“Protective Order”).

4. Attached to this declaration as Exhibit B is a true and correct copy of excerpts from the transcript of the June 23, 2016 deposition of Joseph Sullivan. Uber has designated this document “Confidential” under the Protective Order.

5. Attached to this declaration as Exhibit C is a true and correct copy of excerpts from the transcript of the June 22, 2016 deposition of Mathew Henley. Uber has designated this document “Confidential” under the Protective Order.

6. Attached to this declaration as Exhibit D is a true and correct copy of excerpts from the transcript of the June 23, 2016 deposition of Craig Clark. Uber has designated this document “Confidential” under the Protective Order.

7. Attached to this declaration as Exhibit E is a true and correct copy of a document produced by Global Precision Research LLC d/b/a Ergo (“Ergo”) at ERGO-0001169-ERGO-0001193. Ergo has designated this document “Confidential” under the Protective Order.

8. Attached to this declaration as Exhibit F is a true and correct copy of excerpts from the transcript of the June 15, 2016 deposition of Todd Egeland. Ergo has designated this document “Confidential” under the Protective Order.

9. Attached to this declaration as Exhibit G is a true and correct copy of a document produced by Uber at UBER-PRIV0000055. Uber has designated this document “Confidential” under the Protective Order.

10. Attached to this declaration as Exhibit H is a true and correct copy of a document produced by Ergo at ERGO-0000396-ERGO-0000418. Ergo has designated this document “Confidential” under the Protective Order.

11. Attached to this declaration as Exhibit I is a true and correct copy of a document produced by Ergo at ERGO-0000467-ERGO-0000468. Ergo has designated this document “Confidential” under the Protective Order.

12. Attached to this declaration as Exhibit J is a true and correct copy of a document produced by Ergo at ERGO-0000626. Ergo has designated this document “Confidential” under the Protective Order.

13. Attached to this declaration as Exhibit K is a true and correct copy of excerpts from the transcript of the June 14, 2016 deposition of Miguel Santos-Neves. Ergo has designated this document “Confidential” under the Protective Order.

14. Attached to this declaration as Exhibit L is a true and correct copy of a document produced by Ergo at ERGO-0001039. Ergo has designated this document “Confidential” under the Protective Order.

15. Attached to this declaration as Exhibit M is a true and correct copy of a document produced by Ergo at ERGO-0000443. Ergo has designated this document “Confidential” under the Protective Order.

16. Attached to this declaration as Exhibit N is a true and correct copy of a document produced by Ergo at ERGO-0000697-ERGO-0000717. Ergo has designated this document “Confidential” under the Protective Order.

17. Attached to this declaration as Exhibit O is a true and correct copy of a document produced by Ergo at ERGO-000665-ERGO-0000667. Ergo has designated this document “Confidential” under the Protective Order.

18. Attached to this declaration as Exhibit P is a true and correct copy of excerpts of a document produced by Ergo at ERGO-0000668-ERGO-0000684. Ergo has designated this document “Confidential” under the Protective Order.

19. Attached to this declaration as Exhibit Q is a true and correct copy of a document produced by Ergo at ERGO-0000689-ERGO-0000696. Ergo has designated this document “Confidential” under the Protective Order.

20. Attached to this declaration as Exhibit R is a true and correct copy of excerpts of a document produced by Ergo at ERGO-0000821-ERGO-0000836. Ergo has designated this document “Confidential” under the Protective Order.

21. Attached to this declaration as Exhibit S is a true and correct copy of a letter from Peter Skinner to Brian Feldman, dated March 29, 2016.

22. Attached to this declaration as Exhibit T is a true and correct copy of letter from Peter Skinner to Brian Feldman, dated April 25, 2016.

23. Attached to this declaration as Exhibit U is a true and correct copy of a letter from Alanna Rutherford to Brian Feldman, dated May 18, 2016.

24. Attached to this declaration as Exhibit V is a true and correct copy of an e-mail from Nicola Hanna to Plaintiff's counsel, dated May 25, 2016.

25. Attached to this declaration as Exhibit W is a true and correct copy of a letter from Brian Feldman to Peter Skinner, dated March 23, 2016.

26. Attached to this declaration as Exhibit X is a true and correct copy of a letter from Brian Feldman to Peter Skinner, dated May 10, 2016.

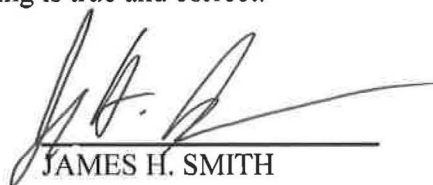
27. Attached to this declaration as Exhibit Y is a true and correct copy of a letter from Peter Skinner to Brian Feldman, dated May 11, 2016.

28. Attached to this declaration as Exhibit Z is a true and correct copy of a letter from Brian Feldman to Peter Skinner, dated May 13, 2016.

29. Attached to this declaration as Exhibit AA is a true and correct copy of a letter from Peter Skinner to Brian Feldman, dated May 16, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 29, 2016



JAMES H. SMITH